

DETAILED ACTION

Response to Amendment

1. Applicant filed on 3/25/2009 a response to Office Action mailed on 11/5/2008. However, Applicant amended claims and added new claims during prosecution of claims 1-123 and 158-159 and the claims have not been properly amended in accordance with 37 C.F.R. 1.173 and MPEP § 1455, section II. For details, see the Office Action Mailed on 11/5/2008. Applicant provided claims under Rule 130, 131 Or 132 affidavits will not substitute current claims listing in the amendment filed on 3/25/2009. However, guide in evaluating amendments in sequence.

Oath/Declaration

2. Applicant filed 3/25/2009 the revised oath/declaration has been entered and considered. The oath/declaration objection is withdrawn.

Specification

3. Applicant filed 3/25/2009 a revised Abstract has been entered and considered. The specification objection is withdrawn.

Claim Rejections - 35 USC § 251

4. Claims 71-123 are rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. See *Pannu v. Storz Instruments Inc.*, 258 F.3d 1366, 59 USPQ2d 1597 (Fed. Cir. 2001); *Hester Industries, Inc. v. Stein, Inc.*, 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998); *In re Clement*, 131 F.3d 1464, 45 USPQ2d 1161 (Fed. Cir. 1997); *Ball Corp. v. United States*, 729 F.2d 1429, 1436, 221 USPQ 289, 295 (Fed. Cir. 1984). A broadening aspect is present in the reissue which was not present in the application for patent. The record of the application for the patent shows that the broadening aspect (in the reissue) relates to claim subject matter that applicant previously surrendered during the prosecution of the application. Accordingly, the narrow scope of the claims in the patent was not an error within the meaning of 35 U.S.C. 251, and the broader scope of claim subject matter surrendered in the application for the patent cannot be recaptured by the filing of the present reissue application.
5. Applicant deleted, removed or omitted, the limitation while broadening claim 71 and limitation is "applying the solution as the travel scheme for minimizing travel costs by purchasing travel trips in accordance with the solution." It is considered as surrendered subject matter for the original patent is recaptured by filing the present reissue application without this limitation. Claims 72-123 are dependent on the independent claim 71 and they are also rejected under the same rationale as claim 71.

Response to Arguments

6. Applicant's arguments filed on 3/25/2009 have been fully considered but they are not persuasive and details are as follows:

a) Applicant argued as "Moreover, as clearly evidenced by the Jan. 21, 1998 Office Action and Apr. 17, 1998. Reply, the Claim Limitation was added to overcome a 35 U.S.C. § 101 rejection, and not to overcome an art rejection of record."

In response to Applicant's argument, Examiner respectfully disagrees. Because, Applicant has added the limitation in order to allow the claims in the original Application. Applicant has deleted the same limitation intentionally or knowingly without considering the recapture issue. Therefore, the recapture problem exists. Applicant is required to amend claims to overcome this rejection, for details see MPEP 1412.02.

Conclusion

7. A shortened statutory period for reply to this letter is set to expire **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Sathyanarayan Pannala/
Primary Examiner, Art Unit 2164

srp
May 4, 2009